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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
C(2004)

Final

Draft

COMMISSION DECISION

of

amending Annex I to Decision 2003/804/EC authorising certain third countries for export of live molluscs for further growth, fattening or relaying in Community waters.

(Memorandum from Mr D. BYRNE)

Draft

COMMISSION DECISION

of

amending Annex I to Decision 2003/804/EC authorising certain third countries for export of live molluscs for further growth, fattening or relaying in Community waters

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products¹, and in particular Article 19(1) thereof,

Whereas:

- (1) A list of third countries from which Member States are authorised to import of live molluscs, their eggs and gametes for further growth, fattening, relaying or human consumption in the Community, as well as model certificates that must accompany such consignments were drawn up by Decision 2003/804/EC².
- (2) Since the entering into force of Directive 91/67/EEC, the animal health requirements for import of aquaculture animals into the Community from third countries have been unchanged. Pending the establishment of harmonised certification requirements by, the Member States have been responsible for ensuring that imports of aquaculture animals and products thereof from third countries be subjected to conditions at least equivalent to those applying to placing on the market of Community products according to Article 20.3 of Directive 91/67/EEC.

¹ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1.)

² OJ L 302, 21.11.2003, p. 22. Decision as last amended by Decision 2004/319/EC OJ L 102, 7.4.2004, p. 73

- (3) It has been brought to the attention of the Commission that some enterprises in the Community are dependent on access to early live stages of live molluscs for further growth, fattening or relaying in Community waters. The supply of high quality material of the relevant species amongst EU Member States and European Free Trade Association Member are limited, therefore certain third countries should be included in Annex I to Decision for a interim period of time, pending the completion of the on the spot inspections provided for by Community rules.
- (4) Such temporary listing should be limited to countries, with whom the European Union has equivalence agreements covering the veterinary area. The veterinary services of these countries have been assessed under the agreements, and have been found to provide the necessary guarantees when signing export certificates of live animals, and therefore can be listed without jeopardising the animal health status of the Community.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.

HAS ADOPTED THIS DECISION:

Article 1

The text in Annex I to Decision 2003/804/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
David BYRNE
Member of the Commission

ANNEX

“ANNEX I

Territories from which importation of certain species of live molluscs, their eggs and gametes intended for further growth, fattening, or relaying in European Community waters are authorised

Country		Territory		Specific requirements ¹		Comments ²
ISO-code	Name	Code	Description	<i>Bonamia ostreae</i>	<i>Marteilia refringens</i>	
CA	Canada ³					
HR	Croatia ⁴			NO	NO	Live bivalve molluscs for human consumption only ⁴
MA	Morocco ⁴			NO	NO	Live bivalve molluscs for human consumption only ⁴
NZ	New Zealand ³					
TN	Tunisia ⁴			NO	NO	Live bivalve molluscs for human consumption only ⁴
TR	Turkey ⁴			NO	NO	Live bivalve molluscs for human consumption only ⁴
US	United States of America ³					

“

¹ “Yes” or “No” as relevant if designated farm, coastal or continental zone is approved by the central competent authority of the exporting country as a territory that also fulfils the specific animal health requirements for introduction into Community zones and farms having a Community approved programme or status as regards *Bonamia ostreae* and/or *Marteilia refringens*.

² No limitations if left empty. If country or territory is allowed to export only certain species and/or eggs or gametes, the species should be specified and/or a comment with for example "eggs only" shall be inserted in this column.

³ Temporary listing, shall be reviewed before 1 June 2005.

⁴ Temporary listing for the purpose of import for human consumption, shall be reviewed before 1 June 2005